

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 MCT-01 SY-05 AID-05 CEA-01 CIAE-00
COME-00 EB-08 FRB-03 INR-10 NSAE-00 SP-02 STR-07
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BRUSSELS ALSO FOR USEEC

E.O. 11652: N/A
TAGS: PINS, COE, EEC, DA
SUBJECT: DANES RATIFY COUNCIL OF EUROPE CONVENTION ON TERRORISM

1. ON JUNE 1, AMENDMENTS TO EXISTING DANISH PENAL
LEGISLATION WILL COME INTO EFFECT AND WILL COMPLETE
THE DANISH RATIFICATION PROCESS OF THE COUNCIL OF EUROPE
CONVENTION TO FIGHT TERRORISM. THE DANES HAVE, HOWEVER, TAKEN
A RESERVATION TO THE CONVENTION AS ORIGINALLY DRAFTED.

2. ON APRIL 28 THE FOLKETING PASSED LEGISLATION BY A LARGE
MAJORITY (111 TO 18) WHICH PROVIDED FOR THIS RATIFICATION. THE
LANGUAGE OF ONE OF THE AMENDMENTS TO THE EXISTING CRIMINAL CODE
PROVIDES "THAT AN ACTION COVERED BY ARTICLE 1 IN THE EUROPEAN CON-
VENTION ON THE FIGHT AGAINST TERRORISM WILL
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ALSO BE PUNISHABLE IN DENMARK." THE DANES, HOWEVER, WILL NOT
SURRENDER A "TERRORIST" WHO HAS COMMITTED ACTIONS FOR PURELY
POLITICAL REASONS. SUCH OFFENDERS WILL, HOWEVER, BE PROSECUTED
UNDER DANISH LAW AS IF THE CRIME HAD BEEN COMMITTED IN DENMARK.

3. OVER THE OBJECTIONS OF THE THREE PARTIES OF THE FAR LEFT,
FOLKETING ACCEPTED ARTICLE VIII OF THE EUROPEAN CONVENTION. THIS

OBLIGATES SIGNATORIES TO RESPOND TO THE REQUEST FOR ASSISTANCE
IN TRACKING DOWN PERSONS WHO ARE ACCUSED OF HAVING COMMITTED
TERRORIST ACTION ELSEWHERE INCLUDING THE USE OF CLANDESTINE
SURVEILLANCE TECHNIQUES. BEFORE SUCH SURVEILLANCE IS UNDERTAKEN IN
DENMARK, HOWEVER, POLICE AUTHORITIES HERE MUST OBTAIN A COURT
ORDER.

4. DANISH MFA LEGAL SOURCE (BEHNKE) NOTED THAT THREE COUNTRIES
(AUSTRIA, SWEDEN AND FRG) HAVE COMPLETED RATIFICATION PROCEDURES AND
THUS THE CONVENTION HAS ALREADY ENTERED INTO FORCE. BEHNKE ADDED
THAT THE SWEDES MADE THE SAME RESERVATIONS AS THE DANES AND THAT
IT APPEARED THAT NORWAY WOULD RATIFY BUT ACCEPT NEITHER ARTICLES
ONE NOR EIGHT.
DEAN

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